

1 A. Definitely from August.

2 Q. Were you ever aware, when he  
3 reported directly to you, working more than  
4 that number of hours a week?

5 A. Not from the reports I saw, no.

6 Q. What about when he reported  
7 directly to Mr. Holder and Mr. Holder reported  
8 to you; are you aware of the hours that  
9 Mr. Millan was working during that period?

10 A. Not specifically, no.

11 Q. Generally, were you aware of  
12 it?

13 A. Um-hum.

14 Q. Generally, what was your  
15 understanding with the type of hours he was  
16 working during that period?

17 A. During the migration period, I  
18 came to understand that he was putting in, you  
19 know, 50-, 60-hour weeks in order to get the  
20 job done.

21 Q. How did you come to that  
22 understanding?

23 A. It was either a conversation  
24 with Paul or a conversation that Paul and I

1 had with Carmelo.

2 Q. What was the sum and substance  
3 of the conversation?

4 A. Repeat that, I'm sorry.

5 Q. What was the sum and substance  
6 of the conversation; in other words, what did  
7 you say to Paul or Carmelo, what did they say  
8 to you?

9 A. I don't recall specifically  
10 what Paul and Carmelo said, but I believe my  
11 comments were we need to figure out how we can  
12 get him some additional help in order to make  
13 this happen.

14 Q. When did this conversation take  
15 place?

16 A. That would not have taken place  
17 probably until September or October of '05  
18 after I started coming up to speed on what was  
19 going on with the migration plan.

20 Q. Were you the one who initiated  
21 that conversation, or did Mr. Holder and  
22 Mr. Millan come to you to discuss it?

23 A. I initiated that based on the  
24 project plan and review of the project plan,

1 trying to understand what was going on.

2 Q. So you felt that additional  
3 help was required for what purpose?

4 A. It was a big move. It took a  
5 lot of detail to get the stuff done that we  
6 wanted to get done. And Carmelo was -- there  
7 were two things he was trying to do; the  
8 migration plan, as well as handle some of the  
9 day-to-day work that was going on in the  
10 Greenwich Street lab.

11 So one of the things we did  
12 was, in order to focus Carmelo on the  
13 migration plan, was to get Naseer up to speed  
14 as fast as possible so he could handle the  
15 day-to-day work in the Greenwich lab and  
16 Carmelo could focus his efforts on the lab  
17 migration plan.

18 Q. So you felt that you needed  
19 somebody else to help with the lab migration?

20 A. When I looked at the plan and  
21 the state of affairs that we were in, based on  
22 the timelines that were originally projected,  
23 yes.

24 Q. One person or more than one

1 person?

2 A. Originally, I was just going  
3 for one additional person to help out.

4 Q. And did that change?

5 A. We didn't get the one person.

6 Q. Did you get anybody?

7 A. Not initially, no.

8 Q. At some point, did you get  
9 somebody?

10 A. Yes, we did.

11 Q. When was that?

12 A. I believe it was April of '06  
13 and then June of '06.

14 Q. So you got two separate people?

15 A. We brought on some consultants  
16 to help out.

17 Q. Were they being paid on an  
18 hourly basis?

19 A. They were being paid on a  
20 consultant rate, yes. An hourly basis.

21 Q. What were their names?

22 A. Anthony Sorrentino is one and  
23 Thomas Newcomen, N-E-W-C-O-M-E-N.

24 Q. Which one was brought on in

1 April of 2006?

2 A. Anthony.

3 Q. And, ultimately, Mr. Sorrentino  
4 was the one who took over in Mr. Millan's role  
5 when he left?

6 A. Yes.

7 Q. Was he still working for CTI at  
8 the time the position came up, or had his  
9 consultancy position ended?

10 A. It had ended.

11 Q. When did it end?

12 A. September 30th.

13 Q. Of 2006?

14 A. Yes.

15 Q. And why did it end?

16 A. Most of the migrations were  
17 done, and the funding for the consultants ran  
18 out.

19 Q. And what about Mr. Newcomer?

20 A. Newcomen.

21 Q. Newcomen. Did his contract  
22 also end at the same time?

23 A. Same time.

24 Q. And was that always the plan?

1 A. Yes. And the plan was just to  
2 bring them on board to get us through the  
3 migrations.

4 Q. From April of 2006 to September  
5 of 2006, what were Mr. Sorrentino's duties and  
6 responsibilities with respect to the  
7 migration?

8 A. They were assisting -- two  
9 things. To the migration, Anthony was  
10 assisting Carmelo in making sure the  
11 migrations happened. So he was working hand  
12 in hand with Carmelo on getting the Warren lab  
13 ready for all the equipment that was coming  
14 in.

15 So the exact same duties and  
16 responsibilities that I explained for the lab  
17 coordinators before and for Carmelo's  
18 migration responsibilities.

19 Q. Mr. Sorrentino was doing the  
20 same thing?

21 A. Yup.

22 Q. And what about Mr. Newcomen?

23 A. Tom was handling a lot of the  
24 day-to-day work with Naseer.

1 MS. WALSH: I'm just going to  
2 do one exhibit, and then we can take a  
3 break.

4 MS. BOUCHARD: Sure.

5 - - -

6 (Whereupon, a document was  
7 marked for identification purposes  
8 as Discepolo-3.)

9 - - -

10 BY MS. WALSH:

11 Q. Mr. Discepolo, I'm going to  
12 hand you a document that's been marked as  
13 Discepolo-3.

14 A. Okay.

15 Q. And for identification  
16 purposes, it is a five-page document that has  
17 been Bates stamped CTI00001251 through 1255.

18 A. Okay.

19 Q. And I'm going to ask you to  
20 take your time and look at that document, and  
21 then I have some questions for you.

22 A. (Reviewing.)

23 Okay.

24 Q. Do you recognize the documents

1 that are being marked as Discepolo Exhibit 3?

2 A. They look like the time  
3 reporting from a number of systems we could  
4 have used.

5 Q. Do you know what system they're  
6 from?

7 A. Looks like it's from TRS.

8 Q. And is that Time Reporting  
9 System?

10 A. Yes.

11 Q. Is that the current system  
12 that's in place for tracking time?

13 A. No.

14 Q. When was TRS in place?

15 A. From exactly when to when, I  
16 don't have the exact answers, but it was in  
17 place up until -- I think it was February of  
18 last year, of 2006.

19 Q. Okay. And do you know if it  
20 was in place in 2003?

21 A. I'm sure it was.

22 MS. BOUCHARD: Just note for  
23 the record, it says, "TRS" on 2003  
24 documents. "Hours," "TRS hours."



1 THE WITNESS: Oh.

2 MS. WALSH: Okay.

3 MS. BOUCHARD: Just -- not  
4 trying to testify, just trying to get  
5 a softball out of there.

6 THE WITNESS: Yeah.

7 BY MS. WALSH:

8 Q. Okay. I'm going to refer you  
9 to the last page of the exhibit.

10 A. Um-hum.

11 Q. And there's -- in the columns  
12 right across the top, particularly the ones  
13 more over to the right side, it says, "Hours,"  
14 dash, "TRSHRS." And then it has an  
15 abbreviation of a month, and it has hours and  
16 then the year 2006?

17 A. Yup.

18 Q. Are these the hours --  
19 withdrawn.

20 Also in the third column from  
21 the left, it says, "Employee." And under  
22 that, it has Carmelo Millan's name.

23 Do you see where it says that?

24 A. Yes.

1 Q. Are these the hours that are  
2 entered into the TRS System for Carmelo Millan  
3 for the year 2006?

4 A. Appears to be, yes.

5 Q. If you look at the September  
6 column --

7 A. For '06?

8 Q. -- for '06.

9 A. Okay.

10 Q. And if you look underneath  
11 that, every column down there has a zero in  
12 it?

13 A. Correct.

14 Q. What is your understanding from  
15 that with respect to the number of hours that  
16 Mr. Millan worked in September of 2006?

17 A. All it indicates is that he did  
18 not put any time into the TRS System for that  
19 month.

20 Q. Could he have worked hours in  
21 September without putting time into the TRS  
22 System?

23 A. Yes.

24 Q. Is that something that happens

1 on a regular basis?

2 A. It's happened, yes.

3 Q. Okay. So in --

4 A. Even to me.

5 Q. Even to you?

6 A. Yes.

7 Q. So if we looked through your  
8 records, we might find some months where you  
9 have zero hours recorded in TRS, but you would  
10 have worked those months?

11 A. Um-hum. Yes.

12 Q. And would it happen where a  
13 certain number of hours would be entered in  
14 the TRS System and the employee could have  
15 worked more hours than that, and it wouldn't  
16 be recorded in the TRS System?

17 A. It's possible. That's up to  
18 the employee. Right? It's an employee-based  
19 system. It's up to them to put in the hours  
20 they worked against any initiatives assigned  
21 to them.

22 Q. Okay.

23 A. All right? So if they only put  
24 in 40, and they worked 60, you know, I

1 wouldn't know that.

2 Q. Who -- if an employee puts in  
3 hours, is there somebody responsible for  
4 checking that in the TRS System?

5 A. Very loose oversight on the TRS  
6 System. There was no set rules that we would  
7 go in and check to see that, one, people put  
8 time in, or, two, they put too much time in  
9 and we've got to figure out why.

10 Q. What was the purpose of  
11 tracking hours through the TRS System?

12 A. The primary purpose, as I know  
13 it, is that there were certain work efforts  
14 that were billable back to Citigroup  
15 businesses and, you know, the financial people  
16 would do an extract monthly to make sure we  
17 recoup the dollars that are due to engineering  
18 for work that we did, and it's not all the  
19 work, it's only certain -- certain pieces of  
20 work.

21 MS. WALSH: I want to go  
22 through some more questions on this,  
23 but we're going past 1 o'clock, so why  
24 don't we break now.

1 MS. BOUCHARD: You can go  
2 through them.

3 MS. WALSH: It will take me  
4 another five minutes.

5 THE WITNESS: No problem.

6 BY MS. WALSH:

7 Q. Now, on the left-hand side,  
8 there's two columns, the first one is "Project  
9 ID" and the second one is "Project Name"?

10 A. Um-hum.

11 Q. And underneath that, there's  
12 various numbers and also descriptions, and I  
13 want to just go through each of those with  
14 you.

15 The first one under "Project  
16 Name," is "Audit & Compliance Activity." And  
17 it says, "Infrastruc." I assume that's an  
18 abbreviation for "infrastructure"?

19 A. Um-hum.

20 Q. What type of work would be  
21 inputted onto that description?

22 A. You're talking the 2003 sheet?

23 Q. Yes.

24 A. Specifically for these

1 categories, I didn't have control. I was at a  
2 different organization, but, you know, we  
3 handle audit and compliance activities as  
4 well, so that would be -- you know, from an  
5 engineering point of view, audit and  
6 compliance is -- we have an internal audit  
7 department that is going to audit the  
8 environment to make sure we're doing what we  
9 say we do on a day-to-day business. So you  
10 would get involved in audit activity.

11 Compliance is making sure that  
12 whatever products we certify for deployment in  
13 the Citigroup network meet our security  
14 requirements, meet our IS policy requirements,  
15 things of that nature.

16 Q. Let's turn to the final page of  
17 it, the 2006 page.

18 A. Okay.

19 Q. The first entry there under  
20 "Project Name" is "C1 CTI Global Engineering  
21 Lab Management"?

22 A. Yup.

23 Q. What type of work would be put  
24 into that category?

1           A.       That's all the work I kind of  
2     talked about earlier where the lab  
3     coordinators would be responsible for  
4     servicing the requests from the engineers,  
5     getting their BAU requests and doing all of  
6     that type of work, managing the lab.

7           Q.       Is that category of work work  
8     that's charged out?

9           A.       No.

10          Q.       The second category is "NE  
11     Control Processes and Procedures"?

12          A.       Um-hum.

13          Q.       What type of work would be  
14     charged to that?

15          A.       That would be creating the  
16     PCMs, Process Control Manuals, that were  
17     created for either a technology or, in this  
18     case, a lab domain, stuff like that.

19          Q.       Anything else under that?

20          A.       Again, you know, things keep  
21     morphing and changing, so control processes  
22     and procedures, that could go into making sure  
23     the compliance aspect, the IS security, the  
24     risk is all identified properly.

1 Q. Is that something that can be  
2 charged out?

3 A. Normally, we don't. We don't  
4 charge that out. That's -- that's an internal  
5 expense we take up right now.

6 Q. How about the next one, "GVCC  
7 Warren Lab Development"?

8 A. Okay. So what that would be is  
9 that would be one of the engineering  
10 disciplines or departments, global voice. So  
11 it looks like we had a couple of projects  
12 opened to ensure that the Warren lab could  
13 support and handle the global voice  
14 engineering domain's requirements.

15 Q. It seems that there's four  
16 categories with the same description, but if  
17 you look over to the next column --

18 A. Different phase.

19 Q. -- the fifth column over, the  
20 first one says, "Infrastructure." The next  
21 one says, "Project Management." The next one  
22 says, "SME Support." And the next one says,  
23 "Testing Support"?

24 A. Yes.



1 Q. So they're all different  
2 functions --

3 A. Yes.

4 Q. -- within the same criteria?

5 A. Yes.

6 Q. Did Mr. Millan have any  
7 responsibilities vis-a-vis the voice control?

8 A. Specifically for voice control,  
9 no, but to ensure that whatever the voice team  
10 needed in order to make their lab environment  
11 work, he would have responsibility.

12 Q. So in terms of making sure that  
13 they have the equipment that they needed?

14 A. The equipment, if they  
15 needed -- you know, if the voice team ordered  
16 phone lines into the lab so that they can do  
17 their testing, Carmelo would get them extended  
18 to the proper location within the lab so that  
19 these guys can do their testing.

20 Q. The last entry is "NE Lab  
21 Support." What is that?

22 A. It's actually, you know, the  
23 same as the first one. Again, different  
24 points in time, different record IDs,

1 duplicate records, but it's really managing  
2 the lab.

3 Q. Okay. Were the GVCC  
4 categories -- were those ones that could be  
5 charged out?

6 A. No.

7 Q. And what about the NE lab  
8 support?

9 A. No. They were all internal  
10 engineering work.

11 Q. There's a few different ones on  
12 the 2005 page, and I just wanted to go over  
13 the ones that are a little bit different.

14 A. Okay.

15 Q. The first one appears to be the  
16 same, "Global Engineering Lab Management"?

17 A. Um-hum.

18 Q. The second one is "C1 CTI GNE  
19 Lab Testing Standards." What is that?

20 A. That was -- I believe what they  
21 were trying to set up there was, when an  
22 engineering team came in and said -- with a  
23 business request -- "I want to test this new  
24 environment, and it included X, Y and Z,"

1 Carmelo would help build that environment for  
2 that lab, and that's where he would charge  
3 that time to.

4 Q. And when you say, "build that  
5 environment," specifically what are you  
6 referring to?

7 A. What we talked about earlier.  
8 If new equipment came in, he would help get it  
9 unpacked, install it in the cabinet, provide  
10 the network connectivity.

11 Q. Okay. And the next entry is  
12 "C4 CTI GNE Audit Activities"?

13 A. Um-hum.

14 Q. What does that relate to?

15 A. Again, that could be anything  
16 from being involved in an audit. That could  
17 be making sure that the lab access control is  
18 in place so that we know who has access to the  
19 lab and who doesn't. It's all part of that  
20 whole oversight or management of the lab.

21 Again, we get run-through  
22 audits, internal audits, internal control  
23 procedures to make sure we're doing what we  
24 say we're doing.

1 Q. Of those first two categories  
2 that we just talked about from 2005, the  
3 testing standards and the audit activities,  
4 are either of those charged out?

5 A. No.

6 Q. The next one, "NE Control  
7 Processes and Procedures"?

8 A. That's the same as --

9 Q. We talked about that already?

10 A. That's the same as '06, um-hum.

11 Q. Okay. The next one, I don't  
12 think we have. "C4 CTI GNE Compliance  
13 Deliverables"?

14 A. To me, that goes hand in hand  
15 with the one right above it, which is the  
16 control process and procedures. Why  
17 additional work efforts were created to track  
18 time against that, I'm not a hundred percent  
19 sure.

20 Q. Okay. The next one, "E1 CTI  
21 GNE Product Development QA"?

22 A. Um-hum.

23 Q. What is that?

24 A. Looking at the name, that would

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1 be similar to the lab testing standards. So  
2 ensuring that, you know, what the engineers  
3 want to test out is built properly and they've  
4 done their testing.

5 Q. And the final one, "C4 CTI GNE  
6 Self-Assessment"?

7 A. Just related to performance  
8 feedback. So we allowed -- you know, the  
9 company allows the employees to provide their  
10 self-assessment.

11 Q. And just going back to the  
12 2004 --

13 A. Okay.

14 Q. -- the first one there is "Core  
15 BAU Lab Testing/Standards"?

16 A. Um-hum. Same as...

17 Q. The second one on 2005 is "Lab  
18 Testing Standards." That's the same --

19 A. That's the same. Again, we  
20 love to change names of things, but it's  
21 really the same stuff.

22 Q. And then the second one there  
23 is "Core BAU Lab Testing Standards," but one  
24 is identified as infrastructure under "Phase

1 Name," and the other is identified as "Testing  
2 Support"?

3 A. Yup.

4 Q. What's the difference between  
5 those two?

6 A. I would think the first one is  
7 them building out the infrastructure in the  
8 lab to support what they want. So if an  
9 engineer comes in and says, "I want to test X,  
10 Y and Z," if we don't have it in the lab  
11 already, they have to build it new.

12 Q. Okay.

13 A. And that's the first one. And  
14 the testing support would be if, you know,  
15 when the engineers start testing on that new  
16 environment, if something wasn't working  
17 right, they would ask Carmelo to double-check  
18 what they built in the system.

19 Q. Okay. And then the final one,  
20 "4 BAU Bandwidth Analysis"?

21 A. That actually looks like a  
22 carryover probably from a previous role that  
23 he had. What that would be, in today's terms  
24 is, just looking at network bandwidth or

1 network circuits that are installed in the  
2 network and just figuring out, are they being  
3 used, are they being used too much, are they  
4 being underutilized and can we either  
5 eliminate some or have to upgrade a few.  
6 That's all that is.

7 Q. I'm just going to ask you one  
8 more from 2003, the first page. Third one  
9 down says, "Tech Req (CSR) Infrastructure  
10 Integration"?

11 A. Um-hum.

12 Q. What does that entail?

13 A. What that would have been --  
14 and, again, I guess this is when he was in his  
15 previous role -- if users needed something  
16 done, they would create a CSR record or a CSR  
17 request --

18 MS. BOUCHARD: And I'm just  
19 going to -- he can finish the question  
20 (sic), but he wasn't -- he was an  
21 analyst in 2003.

22 MS. WALSH: Not in  
23 December 2003. There were numerous  
24 hours charged to this one thing, so

1 that's why I'm asking just for this  
2 one.

3 MS. BOUCHARD: Okay. Just for  
4 that?

5 MS. WALSH: Yeah.

6 THE WITNESS: Again, what that  
7 would be -- as far as I know, what  
8 that would be is, users would send in  
9 a request for work to be done, and he  
10 would act on that request and make  
11 sure it gets completed.

12 MS. WALSH: Okay. We'll take a  
13 break.

14 - - -  
15 (Luncheon recess 1:19-2:22  
16 p.m.)

17 - - -

18 BY MS. WALSH:

19 Q. Mr. Discepolo, before the  
20 break, we talked about the duties and  
21 responsibilities of the lab coordinator at the  
22 lab both at 388 Greenwich Street and at the  
23 Warren facility.

24 Prior to Mr. Ibrahim being



1 hired to work as lab coordinator with  
2 Mr. Millan, was Mr. Millan the only employee  
3 who has those duties and responsibilities as  
4 lab coordinator?

5 A. I would assume so since they  
6 hired -- again, it was prior to them coming  
7 under my management control. So when they  
8 came over, Naseer and Carmelo were both in the  
9 group already.

10 Q. So you have no knowledge with  
11 respect to that period of time before you  
12 became the manager of Mr. Holder?

13 A. No.

14 Q. Presumably, Mr. Holder would  
15 have that information?

16 A. He should, yes.

17 Q. Did you make any effort to find  
18 out from him that information before coming to  
19 the deposition?

20 A. No, I didn't.

21 Q. Again, this is prior to the  
22 time when you became Mr. Holder's manager, but  
23 I just want to try to determine what you knew  
24 with respect to certain things when Mr. Millan

1 was hired. It may be nothing, and if you  
2 don't know, it's fine for you to tell me that.

3 A. Okay.

4 Q. Do you know who filled the role  
5 of lab coordinator, if anyone, prior to  
6 Mr. Millan being hired?

7 A. No, I don't.

8 Q. Did you make any efforts to  
9 find that out?

10 A. No.

11 Q. Do you know if the position  
12 of -- if the position that Mr. Millan took  
13 when he moved over to the lab was a position  
14 that was created specifically at that time?

15 A. I don't know.

16 Q. Did you make any efforts to  
17 find that out?

18 A. No.

19 Q. When an internal position is  
20 available, is there some kind of a database or  
21 system within CTI for advertising those  
22 positions?

23 A. Yes.

24 Q. And how long has that

1       existed -- withdrawn.

2                       Did it exist in December 2003?

3               A.       I'm sure there was a system.

4               Q.       Okay.

5                       MS. BOUCHARD: And just for the  
6               record, he's not an HR professional,  
7               he's not here to talk about job  
8               postings. He'll testify to what he  
9               knows in his individual capacity.

10                      MS. WALSH: Okay.

11       BY MS. WALSH:

12                      Q.       So if the position of lab  
13               coordinator -- or the position that Mr. Millan  
14               filled in December of 2003 was available,  
15               there would have been some type of an internal  
16               posting to advertise that position?

17                      A.       There should have been, yes.

18                      Q.       And if you wanted to go about  
19               getting that information, how would you do  
20               that?

21                      A.       I think you'd have to talk to  
22               HR, to be quite honest with you. And I don't  
23               know what -- I can't recall what specific  
24               system was available in '03 and where the

1 repository for that information is.

2 Q. Okay.

3 A. All right.

4 MS. BOUCHARD: Just for the  
5 record, we produced the job posting.

6 MS. WALSH: Off the record.

7 - - -

8 (Discussion off the record.)

9 - - -

10 BY MS. WALSH:

11 Q. You earlier testified that  
12 Mr. Anthony --

13 A. Sorrentino.

14 Q. -- Sorrentino. I get him  
15 confused with Mr. Saranello.

16 You said that he was brought on  
17 on a contract basis and that the contract  
18 ended in September 2006?

19 A. Yes.

20 Q. And he was hired back on  
21 subsequently to replace Mr. Millan. Is that  
22 correct?

23 A. Correct.

24 Q. Did he work for Citigroup in

1 the intervening period?

2 MS. BOUCHARD: Objection to  
3 form as to Citigroup versus CTI.

4 MS. WALSH: Thanks.

5 BY MS. WALSH:

6 Q. Did he work for CTI in the  
7 intervening period?

8 A. No.

9 Q. Did somebody from CTI contact  
10 him specifically to come -- to apply for that  
11 post?

12 A. I did.

13 Q. And why did you contact him?

14 A. Because, when he was here as a  
15 contractor, there was a good -- very good  
16 results from the work he did, and the people  
17 he serviced and supported thought he did a  
18 great job. So when the position opened up, I  
19 thought of him and said, "See if he'd be  
20 interested."

21 Q. Do you know what position  
22 Mr. Millan had prior to coming to work for the  
23 lab?

24 A. No, I don't.

1 Q. Prior to Mr. Millan coming to  
2 work for the lab, do you know who or what  
3 position filled the role of lab coordinator  
4 vis-a-vis support for the network?

5 A. No, I don't.

6 Q. Did you make any efforts to  
7 find that out?

8 A. No.

9 Q. We talked about the system used  
10 for tracking requests or for making requests  
11 for work. Was there a system used within the  
12 lab called ComTrac?

13 A. There was a system called  
14 ComTrac. I don't know if they -- we  
15 definitely didn't use it in Warren. I don't  
16 know if they used it in 388 or any of the  
17 other labs.

18 Q. Did Mr. Millan undergo any  
19 training when he first came to work for the  
20 lab?

21 A. I don't know. When he first  
22 came over, I'm not sure.

23 Q. Did you make any efforts to  
24 find that out?

1 A. No.

2 Q. Who would know how network  
3 support was performed -- or who performed  
4 network support for the lab prior to the  
5 position of lab coordinator?

6 MS. BOUCHARD: Has it been  
7 established that there was -- there  
8 wasn't a position of lab coordinator?  
9 I don't think there's been any  
10 foundation for that either way.

11 MS. WALSH: Okay. Okay.  
12 Clearly, there's a gap here. And in  
13 terms of --

14 MS. BOUCHARD: How so?

15 MS. WALSH: Well, Mr. Saranello  
16 has testified when he moved to the  
17 lab. Mr. Discepolo can only testify  
18 with respect to certain aspects of it.

19 There's a lag here in terms of  
20 time where you haven't produced  
21 anybody who can testify with respect  
22 to certain information during that  
23 first period.

24 MS. BOUCHARD: Well, he was a

1 lab coordinator, though. There's no  
2 dispute during that period.

3 MS. WALSH: No, I understand  
4 that.

5 MS. BOUCHARD: But your  
6 question goes to prior -- it's  
7 suggesting that there was not a lab  
8 coordinator position, and we know  
9 there's no lag with respect to we know  
10 that Mr. Millan was an analyst and  
11 then a lab coordinator.

12 MS. WALSH: Will you stipulate  
13 to the fact that the lab coordinator  
14 position was created at the time  
15 Mr. Millan came over?

16 MS. BOUCHARD: I don't know. I  
17 mean --

18 MS. WALSH: I don't know if  
19 there's a dispute with respect to it,  
20 but there's clearly some testimony  
21 that I'd like to get with respect to  
22 that time period that neither  
23 Mr. Saranello nor Mr. Discepolo can  
24 testify to. If you guys are willing



1 to stipulate to that, then...

2 MS. BOUCHARD: And just for the  
3 record, we can determine whether that  
4 can be stipulated to. I think it goes  
5 beyond the scope of what the court  
6 wanted in these depositions.

7 That would be important for a  
8 class-based issue as to whether this  
9 position was created or not, but as to  
10 whether Mr. Millan is exempt from  
11 overtime based on the job duties that  
12 he performed, that's not really an  
13 issue for that inquiry.

14 MS. WALSH: Well, I disagree  
15 with that to the extent that there's a  
16 lot of similarities between the work  
17 he was doing before and the work he  
18 was doing subsequent.

19 So even though you're correct  
20 that it does absolutely relate to the  
21 class issues, I think it also relates  
22 to his specific tasks and  
23 responsibilities.

24 MS. BOUCHARD: How so? I mean,

1 are you suggesting that there was just  
2 a label put on him? Because he was  
3 doing different functions.

4 MS. WALSH: Well, we can argue  
5 about that.

6 MS. BOUCHARD: Okay. Let's  
7 leave that stipulation if and when we  
8 need to get into those class issues.

9 MS. WALSH: Okay.

10 BY MS. WALSH:

11 Q. Do you know if the lab ever  
12 used a help center with respect to technical  
13 issues?

14 A. Warren, definitely not. 388, I  
15 don't believe so. And, you know, from the  
16 time I took management responsibility, we  
17 definitely did not use any centralized help  
18 center. And I can't attest to anything with  
19 the other labs.

20 Q. Are the lab coordinators  
21 required to have any certifications to perform  
22 their job functions?

23 A. It's not required, but  
24 certifications are always a benefit or a plus.

1 Q. What type of certifications are  
2 beneficial?

3 A. Could be a couple in the lab;  
4 networking, Cisco-related networking and, you  
5 know, server-related Windows or UNIX  
6 certifications would be a benefit to them so  
7 that they could really dialogue and have good  
8 conversations with the engineers.

9 Q. Does Mr. Ibrahim have any of  
10 those certifications?

11 A. I'm not sure if he has a  
12 certification, but we -- he did attend  
13 technical training last year in pursuit of a  
14 certification.

15 Q. For which certification?

16 A. It would be one of the Cisco  
17 tracks, whether it's the CCNA or the CCNP.

18 Q. And what about Mr. Sorrentino?

19 A. As far as I know, he does not  
20 have any certifications.

21 Q. Did Mr. Millan ever complain to  
22 you that he was overworked in his position as  
23 lab coordinator?

24 A. I believe the discussions we

1 had, when I first took over the group, we  
2 talked about the workload. And that's where I  
3 said I would try to get additional help for  
4 the lab.

5 Q. And you testified that the  
6 additional help specifically was to  
7 accommodate the move to the Warren facility?

8 A. It was to supply help in the  
9 lab and that could have been used, you know,  
10 for BAU or day-to-day work and in support of  
11 the migration.

12 Q. Was it specifically with a view  
13 to the migration that the additional staff  
14 were being taken on or no?

15 A. No, it would have been both  
16 aspects.

17 Q. So did you recognize that  
18 Mr. Millan was overworked?

19 A. I recognize from what he was  
20 telling me that he was putting in a lot of  
21 hours, he was working a couple of weekends in  
22 order to get things done. And, again, based  
23 on my experience and the scope of the project  
24 that was taking place, it looked like we could

1 use some additional support on that.

2 Q. If it wasn't for the migration  
3 to the Warren facility, would you have  
4 considered hiring additional support staff?

5 A. No.

6 Q. So that was the motivating  
7 factor?

8 A. (Nodding.)

9 Q. Did you have any other  
10 conversations with him at any stage about him  
11 being overworked?

12 A. Not that I recall.

13 Q. Now, you testified to certain  
14 duties and responsibilities that Mr. Millan  
15 had vis-a-vis the lab migration to Warren.

16 Once the lab migration was  
17 completed, did he still have those duties and  
18 responsibilities, or did they end?

19 A. They would end once the  
20 migrations were completed, and he would go  
21 back into a day-to-day lab environment.

22 Q. So those specific duties and  
23 responsibilities that you testified to being  
24 associated with the lab migration were

1 temporary?

2 A. Yup. Related to that project.

3 Q. At the Warren facility, is  
4 there a swipe-in/swipe-out method of keeping  
5 track of people's hours?

6 A. There is a swipe-in/swipe-out  
7 in order to gain access to the facility. I  
8 utilized that to figure out what hours he was  
9 showing up and leaving every day.

10 Q. So the swipe-in/swipe-out  
11 system does show the hours that an employee is  
12 coming and going?

13 A. It time stamps when they swipe  
14 in and swipe out.

15 Q. Can you only get access to the  
16 building by swiping in and swiping out?

17 A. As far as I know, all of the  
18 doors have readers on them.

19 Q. So if you leave for lunch, it  
20 would have a record of when you're leaving the  
21 the building?

22 A. It should, unless they're  
23 piggybacking on someone else walking out ahead  
24 of them.

1 Q. Now, you said you checked the  
2 records at the Warren facility to see what  
3 time Mr. Millan was coming and going?

4 A. When I noticed that we were  
5 having attendance issues, I worked with HR to  
6 figure out how to handle it, and they  
7 suggested that -- we came to an agreement that  
8 I could use the swipe-in/swipe-out methodology  
9 and have him specifically use the main  
10 swipe-in/swipe-out when he enters and leaves  
11 the building so that we have a clear track  
12 record.

13 Q. So did you instruct him at some  
14 point to use the main swipe-in/swipe-out?

15 A. Yes.

16 Q. When did it come about that you  
17 noticed that there were attendance issues?

18 A. Definitely in August of '06. I  
19 believe that's when we issued the first  
20 warning, but I would think, you know, the  
21 month or two, you know, the June/July time  
22 frame when he started reporting to me  
23 directly, I started noticing or hearing things  
24 that no one can find anyone, no one's around,

1 so...

2 Q. Who reported that to you?

3 A. It could have been any one of  
4 the engineers out in Warren. You know, people  
5 looking to get stuff done in the lab, work  
6 done, service in the lab. We couldn't find  
7 any of the lab coordinators.

8 Q. So you went to human resources  
9 and asked them if you could mandate him using  
10 the swipe-in/swipe-out through the main  
11 entrance?

12 A. I spoke with human resources  
13 explaining the issue I had, and here's what I  
14 wanted to do, and that was use the  
15 swipe-in/swipe-out. They reviewed it, they  
16 said it was okay and just instructed him to  
17 use the main one and also to send an e-mail  
18 when he comes in and when he leaves.

19 Q. Did you speak to Mr. Millan in  
20 addition with respect to attendance issues?

21 A. Yes.

22 Q. What was the sum and substance  
23 of the conversation you had with him?

24 A. I went out to Warren one day,



1 called him into a spare office, told him we're  
2 having some attendance issues. You know, he's  
3 a professional, he should be here the minimum  
4 eight hours a day doing his job.

5 I told him, you know, "If  
6 8 o'clock in the morning is not right, I'm  
7 flexible. Let me know what hours work for  
8 you, 8:00 to 5:00, 8:30 to 5:30, 9:00 to 6:00,  
9 but I need to know you're going to be here for  
10 that block of time."

11 I showed him or I gave him a  
12 copy of the memo I wrote up with -- I believe  
13 it's the August time frames from the  
14 swipe-in/swipe-out system, showed him what  
15 we've noticed, told him what he needs to do to  
16 correct it, and he agreed, he understood. He  
17 signed it, and that was it.

18 Q. Prior to you having that  
19 conversation with him, did you talk to him  
20 about his attendance?

21 A. No, I did not.

22 Q. So when you went to human --  
23 sorry.

24 A. I'm just thinking. I think it

1 was August. May have been October. I'd have  
2 to go back and look at the file.

3 Q. Did you tell him he'd have to  
4 have e-mail -- prior to you having this  
5 conversation with him, did you tell him that  
6 he had to e-mail you or somebody else when he  
7 got in?

8 A. No.

9 Q. Was that only after you had  
10 this meeting with him?

11 A. After I had the conversation  
12 with HR, the memo was drafted, and I had the  
13 meeting with Carmelo.

14 Q. I'm trying to establish -- you  
15 said at some point he was requested to use the  
16 main swipe-in/swipe-out system?

17 A. Um-hum.

18 Q. Was that just from the time you  
19 met with him, or was it before that?

20 A. Yes. From the time I met with  
21 him.

22 Q. Okay. And also him being  
23 required to e-mail somebody, was that from the  
24 time you met with him forward?

1 A. Yes.

2 Q. And who was he required to  
3 e-mail when he got in?

4 A. Me.

5 Q. What did Mr. Millan say to you  
6 during the course of that conversation?

7 A. He understood, you know -- as  
8 far as I could recall, he understood that, you  
9 know, he needed to be here for the amount of  
10 time. He knows there have been issues, and he  
11 agreed to it.

12 Q. Was there anything else he said  
13 to you during the course of that conversation?

14 A. Not that I recall.

15 Q. Did you have any subsequent  
16 conversations with him with respect to  
17 attendance?

18 A. The next time was, I believe,  
19 in February of '07.

20 Q. And what communication did you  
21 have with him in February of '07 with respect  
22 to attendance?

23 A. The same thing as the previous  
24 one. Had a memo drafted about his latest

1 attendance issues, reviewed it with HR and  
2 then went out to Warren and met with Carmelo  
3 about it.

4 Q. Between August 2007 and  
5 February -- sorry, August 2006 and  
6 February 2007, had the matter -- had the  
7 attendance improved at all?

8 A. It improved slightly, but not  
9 to the -- not to the extent that he was  
10 putting in a full eight hours a day.

11 Q. And between August 2006 and  
12 February 2007 aside from the meeting in  
13 February, did you have any e-mail  
14 communication with him or other communication  
15 regarding his attendance?

16 A. Just him sending me e-mails  
17 when he came in and when he left.

18 Q. Did you instruct anybody else  
19 who worked in the department to have  
20 conversations with him with respect to  
21 attendance during that period?

22 A. No.

23 Q. When you met with him in  
24 February --

1           A.       I'm sorry. I take that back.  
2       In January of '07, I actually -- we did a  
3       small reorg, and Les Kleinman started to  
4       fulfill the old Paul Holder role and Carmelo  
5       and Naseer reported into Les who reported to  
6       me. So at that point in time, Les would be  
7       involved in the attendance/time-off requests  
8       from Carmelo.

9           Q.       Did you instruct Les Kleinman  
10      at any point to have a conversation -- or a  
11      communication with Mr. Millan with respect to  
12      attendance?

13           A.       No.

14           Q.       And the meeting of  
15      February 2007, can you give me the sum and  
16      substance of the conversation you had with  
17      Mr. Millan?

18           A.       It was basically the same as  
19      the previous one. We talked about everything,  
20      he understood, he agreed, and that was it.

21           Q.       And was there anything in  
22      addition that he said to you during that  
23      conversation?

24           A.       Not that I recall.